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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,792	01/17/2001	Jurgen Hofkens	Q62158	4947

7590 02/13/2004

SUGHRUE, MION, ZINN,
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2100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20037-3213

EXAMINER

NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

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5

DATE MAILED:

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Commissioner for Patents

CUONG H. NGUYEN
Primary Examiner
Art Unit: 3625

Office Action Summary

Application No.

09/760,792

Applicant(s)

HOFKENS, JURGEN

Examiner

CUONG H. NGUYEN

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This Office Action is the answer to the communication received on 3/26/2001; which paper has been placed of record.
2. Claims 1-10 are pending in this application.

Priority

3. This application has a priority date of 1/21/2000 from a EPO patent (EPO 00 440 015.6).

Drawings

4. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81 concurred with current USPTO drawing standards. No new matter may be introduced in the required drawing.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Nguyen (US Pat. 5,638,448).

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A. As to claims 1, 5, 7: Nguyen teaches a system comprising:

- a protection mechanism (see Nguyen, the abstract, 1:66 to 2:12); having:
 - a first mode for protecting information according to a first protective way (see 10:49-67 - wherein information is encrypted);
 - a second mode for protecting information according to a first protective way (see 10:49-67 - wherein packet headers are changed to 24 bytes to carry the CRC signatures);

with said first and second protective way being mutually different (above 2 different protective ways are supported by a unique embodiment of Nguyen's invention).

B. As to claims 3, 6, 8-9: In addition to above claims 1, 5, 7 rationales, Nguyen inherently teaches a method for transporting/receiving control information from a sender to a receiver, comprising a step of:

- receiving control information from a sender representing an economic value of transported information (see 10:46-67- wherein different selected security levels representing different important/economic levels).

C. As to claims 4, 10: In addition to above claims 3, 9 rationales, Nguyen inherently teaches a system and a method for

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transporting/receiving control information from a sender to a receiver, comprising a returning mechanism that returning a value to a sender (see Nguyen, 4:59-61, and claim 9, wherein an interactive communication inherently established between a sender and a receiver to select a particular security level among given levels 1-3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen (US Pat. 5,638,448) as applied to claim 1 above, and in view of Stefik et al. (US Pat. 5,634,012).

The rationales and reference for rejection of claim 1 are incorporated.

Nguyen does not disclose about a billing mechanism.

However, Stefik et al. furnish that information (see Stefik, Fig.1 - ref. 108) as a required function of their system.

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It would have been obvious to one of ordinary skill in the art at the time of invention to implement Nguyen's teaching with Stefik et al.'s idea to suggest a system with a billing mechanism to send a bill to another party because this would simplify a step of calculating and transmitting related financial information (see *In re Murray*, 19 CCPA 739, 53 F.2d 541, 11 USPQ 155; *In re Zabel et al.*, 38 CCPA 832, 186 F.2d 735, 88 USPQ 367 wherein above billing mechanism would be integrated into Nguyen's system - There is also a requirement that the integration of a billing mechanism involves more than mere mechanical skill, currently the claim does not specify that).

Conclusion

7. The attached prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 703-305-4553. The examiner can normally be reached on 7 am - 330 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VINCENT A. MILLIN can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Cuong H. Nguyen

CUONG H. NGUYEN
Primary Examiner
Art Unit 3625

1.